



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/003,972 01/07/98 STOUB

E 353197

EXAMINER

LMC1/0926

LATHROP AND GAGE  
2345 GRAND BOULEVARD  
KANSAS CITY MO

ROSSI, J  
ART UNIT

PAPER NUMBER

2779  
DATE MAILED:

09/26/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*Attached notice of non-responsiveness*

Art Unit: 2779

**NOTICE OF NON-RESPONSIVENESS**

1. 37 cfr 1.111 (b) states: "... The reply must present arguments pointing out specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied reference... a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section..."

2. 37 CFR 1.111(c) states: "...in amending in response to a rejection of claims in an application or patent undergoing reexamination, the patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited and objections made. He or she must also show how the amendments avoid such references...."

3. The response to the Office Action filed by Applicant filed 5-4-00 fails to comply with 37 CFR 1.111 (b) and (c) because "claims have been added to more fully claim the scope of Applicant's invention"--page 24, bottom half of page is a mere general allegation of patentability. Although Applicant gives a general discussion of the references applied, he fails to explicitly address all patentable limitations in newly added claims 35-111.

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4. Furthermore, Applicant fails to provide support for each newly added claim limitation. It is essential to demonstrate support for each and every claimed limitation in order to establish a case for patentability under 37 CFR 111 (b) and (c).
5. Applicant's response must be a *bona fide* attempt to advance prosecution by treating all new claims as if a rejection had been applied under the prior art of record, or to explain why it would have been improper to do so. The burden falls on Applicant when providing new claim limitations after an Office Action to establish a *prima facie* case of allowableness under 35 U.S.C., 102, 103 and 112, of those claims. Applicant's response clearly falls short of this.
6. The amendment filed on 09-05-00 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they were directed to a separate related invention. Originally presented claims 1-34 were directed to an allegedly novel multi-column display. Newly present claims are directed to a more general non-scrollable display. The newly added claims have a separate utility such as presenting single page information with one column with user selectable fonts. The originally claimed invention and the presently claimed inventions are related as subcombination/ combination (in that order) usable together)

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7. Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE



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**Conclusion**

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to

(703)-308-9051 (**formal** communications intended for entry)

Or:

(703)-305-9724 (**informal** communications labeled **PROPOSED** or **DRAFT**)

★ Hand-delivered responses should be brought to: ★

Sixth Floor Receptionist, Crystal Park II, 2121 Crystal Drive, Arlington, VA.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey ROSSI whose telephone number is (703) 308-5213. The examiner can normally be reached on Monday - Friday from 0830 to 1630 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark POWELL, can be reached on (703) 305-9703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

JR

2000-09-22

  
MARK R. POWELL  
SUPERVISORY PATENT EXAMINER  
GROUP 2700